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January 27, 2007

Cathy Catterson, Clerk of the Court
U.S. Court of Appeals for the 9th Circuit
95 Seventh Street
San Francisco, CA 94103-1526

Re: *Newdow v. Congress*, Case No. 06-16344

Dear Ms. Catterson:

Pursuant to Fed. R. App. P. 28(j) and Circuit Rule 28-6, Plaintiff-Appellant submits this supplemental authority regarding *Faith Center Church v. Glover*, 462 F.3d 1194 (9th Cir. 2006).

Attention is drawn to *Faith Center*'s statement regarding viewpoint discrimination: "The test, as we have articulated, is whether the government has excluded a perspective on a subject matter." *Id.* at 1209. The atheistic perspective is obviously excluded from consideration within the nation's motto, "In God We Trust." *See, e.g., Opening Brief* at 12 (discussing the disregard for an Atheistic viewpoint), and at 32-34 (discussing the violation of religious neutrality).

Faith Center also recognized that "religious worship within the [government-controlled locale] may alienate patrons and undermine the [government's] purpose." 462 F.3d at 1207. The motto has certainly done this. *See, e.g., Opening Brief* at 42 (discussing how Atheists have been turned into "outsiders").

That “religious speech is barred from the government speaker,” 462 F.3d at 1213, was another point made by the panel majority in *Faith Center*. Yet government has endorsed and placed its imprimatur on the religious speech, “In God We Trust.” *Opening Brief* at 40-43.

Finally, attention is drawn to the words of the concurrence: “To assert an inability to conclude that purpose is religious in every sense, is to engage in the kind of sophistry that gives the law a bad name.” *Id.* at 1216 (Karlton, J., concurring). Plaintiff has noted that such “sophistry” – in regard to the motto – was referenced by Justice Kennedy. *Opening Brief* at 42.

Thank you very much for your time and consideration.

Respectfully submitted,

Michael Newdow, *in pro per*
CA State Bar No. 220444

CERTIFICATE OF SERVICE

CASE NOS. 06-16344

I HEREBY CERTIFY that on this 27th day of January, 2007, true and correct copies of Plaintiff's letter of supplemental authority (*Faith Center Church v. Glover*, 462 F.3d 1194 (9th Cir. 2006)) were delivered by e-mail to the following individuals:

Lowell Sturgill (lowell.sturgill@usdoj.gov)
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Pursuant to Ninth Circuit Rule 25-3.3, the undersigned has received a completed and signed Form 13 (Consent to Electronic Service) from counsel for each of the parties.

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